



# **CARNEW Training & Development Centre**

# **Data Protection Policy GDPR**

**Version 1 reviewed 04/03/2020**



## **1.1 Introduction**

CARNEW TDC is committed to protecting the rights and privacy of individuals in accordance with the Data Protection Acts 1988 - 2018.

Data Protection involves the safeguarding of the privacy rights of individuals in relation to the processing of personal data. Personal data, whether automated or manual, is data and information relating to a living individual who is or can be identified, either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller.

The Data Protection Acts 1988 - 2018 confer rights on individuals as well as responsibilities on those concerned with the processing of personal data. This data may be held on computers or in conventional files.

CARNEW TDC regards the lawful and correct treatment of personal information as very important to successful operations and for maintaining confidence between ourselves and those with whom we deal. We therefore make every effort to ensure that personal information is treated lawfully and correctly.

## **1.2 Why CARNEW TDC Gathers Data?**

CARNEW TDC needs to collect and use data for a variety of purposes in the pursuit of day to day business. Students are required to provide personal details on an enrolment form, which are needed to enrol and complete a course of studies. In addition staff and other stakeholders are required to provide personal detail in the pursuit of their job.

CARNEW TDC maintains a student database and typically controls the following types of learner personal data, i.e. name, address, telephone number, gender, date of birth, country of birth, provider, programme, award classification obtained and Personal Public Service Number (PPSN). This data is entered securely and may be in two stages – registration of learners and secondly, recording of assessment and/or examination results.

Requests for personal data in respect of learners for transmission to QQI, LANTRA etc. will be approved by the Training Manager and will be done by secure means. At the request of a learner, CARNEW TDC forwards results data, which includes the learner's PPS Number, to a prospective employer.

Where CARNEW TDC processes electronic card payments no record is maintained on our database or on paper records. Where payments are taken by telephone all paper records are destroyed as soon as payment has been processed.



CARNEW TDC will share personal data for the purposes of payment of salary and pensions, with the Central Statistics Office in respect of National Employment Surveys and in discharging its obligations with the Revenue Commissioners and Department of Social Protection in respect of taxation and social insurance. CARNEW TDC may also exchange personal data as required in respect of applicants for employment and staff with a Registered Medical practitioner for the purpose of Medical Reports and with relevant entities to pay over voluntary deductions from payroll requested and authorised by staff and pensioners.

The personal data and information is treated as confidential and is only used by CARNEW TDC for the purposes of discharging its functions under the Qualifications and Quality Assurance Act and in accordance with other statutory obligations.

As a Data Controller, CARNEW TDC must comply with the eight Data Protection Principles which are set out in the Data Protection Acts and will administer its responsibilities under the legislation in accordance with these stated principles as follows:

*i. Obtain and process information fairly*

CARNEW TDC will obtain and process personal data fairly and in accordance with the fulfilment of its functions as set out in the Qualifications and Quality Assurance (Education and Training) Act, 2012.

*ii. Keep data only for one or more specified, explicit and lawful purposes.*

CARNEW TDC will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes.

*iii. Use and disclose data only in ways compatible with these purposes*

CARNEW TDC will only disclose personal data that are necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps the data.

*iv. Keep data safe and secure*

CARNEW TDC will take appropriate security measures against unauthorised access to, or alteration, disclosure, destruction or unlawful processing of the data and against their accidental loss or destruction.

*v. Keep data accurate, complete and, where necessary, up-to-date*

CARNEW TDC will have procedures that are adequate to ensure high levels of data accuracy and will put in place appropriate procedures to keep data up to date.

*vi. Ensure that data are adequate, relevant and not excessive*

Personal data held by CARNEW TDC will be adequate, relevant and not excessive in relation to the purpose(s) for which it is collected and kept.



*vii. Retain data for no longer than is necessary for the purpose or purposes*

CARNEW TDC has a policy on retention periods for personal data which is outlined in the CARNEW TDC Records Disposal Schedule.

*viii. Give a copy of his/her personal data to that individual, on request, and correct the data or, in certain cases as defined in the Data Protection Acts, block or erase the data where that individual so requests.*

CARNEW TDC will have procedures in place to ensure that data subjects can exercise their rights under the Data Protection legislation.

CARNEW TDC confirms that personal data, e.g. learner records, in respect of learners obtained from Providers is processed according to these principles. CARNEW TDC seeks data from all registered providers in an open and transparent manner. Data will not be sought from an individual that is not for a relevant purpose. Personal data is maintained on CARNEW TDC's business systems. Access to this data is limited to appropriate staff.

Personal data printed on statements of results, records of results, printouts of results not required to be sent to providers/learners will be destroyed.

To comply with the Data Protection Acts, data about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

CARNEW TDC will retain all relevant personal data electronically indefinitely. This retention is compatible with the principle of lifelong learning as learners achieve awards, in many cases over a long period of time. The capacity to access that data for the benefit of the learner is crucial.

CARNEW TDC will also retain personal data in respect of staff and former staff indefinitely for the purpose of transfer of service and superannuation benefits and payment of pensions.

### **1.3 Policy Application**

This policy applies to all employees, contractors and consultants at CARNEW TDC, including those users affiliated to third parties who are authorised to access CARNEW TDC systems and networks. The policy also applies to all computer and data communication systems owned by and/or administered by CARNEW TDC. Third Parties are required to note CARNEW TDC's obligations in this area.

To assure the public that all staff and others who process personal data on behalf of CARNEW TDC are doing so in accordance with these principles at all times, CARNEW TDC has published this General Data Protection Regulation on its website.



## **2. Data Controller**

CARNEW TDC is a data controller under the Data Protection Acts 1988 - 2018 and is registered with the Data Protection Commissioner.

CARNEW TDC has overall responsibility in respect of data which it controls for ensuring compliance with the Data Protection legislation. However, all employees of CARNEW TDC who collect and/or control the contents of and use personal data are also individually responsible for compliance with the Data Protection legislation. Every staff member managing and handling personal information must, therefore, appreciate that they are contractually responsible for adhering to the requirements of the Data Protection Acts.

CARNEW TDC will endeavour to ensure that queries about handling personal information are promptly and courteously dealt with by our staff.

It is the responsibility of relevant Managers to develop and encourage adequate data and information handling practices within their Units. All relevant Managers are obliged to ensure that the CARNEW TDC Data Protection Compliance Officer is informed of any changes in the use of personal data that may affect CARNEW TDC's compliance with the Data Protection Acts.

## **3. Governance**

This policy has been approved by the Audit Committee and the Board.

This policy will be reviewed regularly in light of any legislative or other relevant developments.

Managers at all levels in CARNEW TDC are responsible for ensuring that its provisions are observed.

If any member of staff considers that this policy has not been followed, they should raise the matter through the line management structure in CARNEW TDC and with the Data Protection Compliance Officer.

## **4. Rights of data subjects to access personal data**

Data subjects include staff, clients and any other person about whom CARNEW TDC may process data.

All data subjects have the right, in accordance with Section 4 of the Data Protection Acts, to access the information held about them and ensure that it is correct and is obtained and processed fairly. Requests in accordance with Section 4 must be in writing, addressed to the Data Protection Officer and include any additional details that may be necessary to enable CARNEW TDC to locate the requested record, e.g. unique identifier. Requests to access information under the Data Protection Acts should be addressed to: Centre Manager, Carnew TDC, Woolgreen, Carnew, Co. Wicklow



The request should be made in writing indicating that it is being made in accordance with the Data Protection Acts and include any additional details that may be necessary to enable CARNEW TDC to locate the requested record, e.g. unique identifier.

In addition to the right of access, every individual about whom a data controller keeps personal data has the right to have any inaccurate information rectified or erased.

If a data subject seeks to have any of his or her personal data rectified or erased, this will be done within 40 days of the request being made provided there is reasonable evidence in support of the need for rectification or erasure.

A data subject requesting access, rectification or erasure must apply in writing and provide sufficient information to satisfy CARNEW TDC of his/her identity. CARNEW TDC may make reasonable enquiries to satisfy itself about the identity of the person making the request to ensure that Personal Data is not disclosed to a party who is not entitled to it.

Sections 4 and 5 of the Data Protection Acts outlines the situations in which the right of an individual to obtain access to their personal records may be limited.

Section 4 (6) of the Acts sets out the restrictions regarding the right to obtain access to examination results.

A request for access may be refused where the information would be subject to legal professional privilege in court. Where CARNEW TDC refuses to grant a request for access to data, and/or rectification or erasure, it will do so in writing and will set out the reasons for refusal. Any person who is dissatisfied with a refusal or the response of CARNEW TDC to their request has the right to make a complaint to the Data Protection Commissioner.

## **5. Responsibilities for use and further handling of personal data**

Anyone working for or on behalf of CARNEW TDC who process personal data controlled by CARNEW TDC, must operate in accordance with the Data Protection Acts and details of such processing must be the subject of formal agreements between CARNEW TDC and their employer or third party contractor respectively.

Furthermore it is the responsibility of third parties who provide personal data to CARNEW TDC to ensure that they adhere to the Data Protection Acts, including with regard to accuracy.

In addition, third parties providing the personal data to CARNEW TDC are obliged by law to have obtained the right from the data subject to disclose this personal data.

CARNEW TDC assures that all employees with access to personal information will respect the need for confidentiality and to avoid improper use or transfer of such information.

Any employee, who fails to adhere to these principles, can be subject to disciplinary action.



## **6. Procedures for Obtaining and Fairly Processing Information**

At the time of providing personal information, individuals must be made aware of the following:

- i. the identity of the persons who are collecting it (though this may often also be implied);
- ii. that it will be kept on computer and in relevant filing systems;
- iii. the purpose for which it will be kept and used;
- iv. the persons or category of persons to whom it will be disclosed.

Secondary or future uses, which might not be obvious to individuals, should be brought to their attention at the time of obtaining personal data. Individuals should be given the option of saying whether or not they wish their information to be used in any other way.

If there is information about people on computer or in relevant filing systems and CARNEW TDC wishes to use it for a new purpose (not disclosed and perhaps not even contemplated at the time the information was collected), there is an obligation on CARNEW TDC to give an option to data subjects to indicate whether or not they wish their information to be used for the new purpose.

## **7. Procedures to Ensure Security of Information held by CARNEW TDC**

CARNEW TDC has robust IT management systems with restricted access to ensure the security of personal data.

CARNEW TDC has established appropriate security provisions to ensure that:

- i. Access to CARNEW TDC's computers and IT system is restricted to authorised staff only;
- ii. Access to personal information is restricted to appropriate staff with responsibility for such areas;
- iii. CARNEW TDC's IT systems are password protected;
- iv. Information on screens is kept hidden from callers to the offices;
- v. CARNEW TDC has a back-up procedure in place and our systems are regularly backed-up weekly so as to avoid the loss or compromise of data;
- vi. All waste papers, printouts, etc are disposed of carefully;
- vii. CARNEW TDC has assigned responsibility for the ongoing review of the operation of this policy to the Internal Auditor and reporting of the outcome to the Audit Committee.



## **8. Requirements for disclosure of Personal Information to a Third Party**

CARNEW TDC will not disclose personal data to third parties unless the data subject has consented to this disclosure or unless the third party is required to access or process the data on behalf of CARNEW TDC subject to conditions imposed by CARNEW TDC.

However, CARNEW TDC may disclose personal data if believing in good faith that there is a requirement to disclose it in order to comply with any applicable law, a summons, a search warrant, a court order or other statutory obligation.

Third Party access is defined by CARNEW TDC as granting of access to CARNEW TDC's IT resources or data to an individual who is not an employee of CARNEW TDC.

Any third party that processes personal data on behalf of CARNEW TDC has a responsibility to ensure that the principles of the legislation are observed. The third party that processes data on behalf of CARNEW TDC must have adequate measures in place and provide CARNEW TDC with written guarantees to this effect.

The person or entity who applies to become a third party disclosee shall provide the following information in writing to CARNEW TDC in a timely fashion and at least 4 weeks in advance of the anticipated release of information.

- i. A copy of the applicant's Data Protection Policy;
- ii. Details relating to the purpose(s) for which the data is requested;
- iii. A specification and definition of the data required;
- iv. A list of their staff and others whom it is proposed will have access to the data whether in electronic or paper format;
- v. A description of the security measures the data will enjoy;
- vi. The duration which it is proposed to hold each category of data;
- vii. The purging and deletion policy which applies to this data whether in electronic or paper format;
- viii. A signed confidentiality agreement;
- ix. Any other information which CARNEW TDC deems appropriate.

## **9. Website and electronic communications**

CARNEW TDC is committed to respecting the rights of users, including an appropriate right to privacy that is consistent with this policy. CARNEW TDC does not, as a general rule, collect personal information from users of its website.





However, CARNEW TDC wishes to emphasise that it clearly cannot guarantee that electronic communications between others and CARNEW TDC will be private.

For general web browsing personal information is not revealed to CARNEW TDC, although certain statistical information may be made available via our internet service provider. This information may, inter alia, include:

- i. the logical address of the server you are using;
- ii. top level domain name from which you access the Internet (for example, .ie, com, .org);
- iii. type of browser you are using;
- iv. date and time you access our site;
- v. Internet address used to link to our site.

Some of the above information may be used to create summary statistics which can allow CARNEW TDC to assess the number of visitors to our website, identify what pages are accessed most frequently and generally, help to make our website more user friendly.

#### **10. Personal Data**

The Data Protection Acts 1988 - 2018 impose statutory responsibilities on data controllers concerned with the processing of personal data in electronic format.

This also applies to paper files, which are recorded as part of a structured filing system.

There are two important definitions in the legislation:

a. Personal data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller (e.g. CARNEW TDC).

b. Sensitive personal data relates to specific categories of data which are defined as data relating to a person's racial origin; political opinions or religious or other beliefs; physical or mental health; sexual life; criminal convictions or the alleged commission of an offence; trade union membership e.g. personnel records.

CARNEW TDC accepts its responsibility for the secure custody of all personal data it controls and, in particular, acknowledges its responsibility to ensure the safe custody of personal and sensitive data in accordance with the Data Protection Acts of 1998 - 2018.

CARNEW TDC affirms that personal data will only be disclosed in ways that are necessary or compatible with the purposes for which the data is collected and maintained and also that special attention will be paid to the protection of sensitive personal data, the disclosure of which normally requires the explicit consent of the data subject.



## **Appendix 1**

### Use of the PPS Number

The Personal Public Service Number (PPSN) is designed for use in transactions between the individual and public bodies. The PPSN may only be used by public bodies authorised to do so under Social Welfare legislation.

The legislation governing the allocation and use of the PPSN is contained in the Social Welfare (Consolidation) Act 2005, as amended. Only Specified Bodies named in the above Social Welfare Acts can use the PPSN.

Data may only be shared using the PPSN as a common identifier where the sharing is authorised by law e.g. Data Protection or Social Welfare law. CARNEW TDC is a public body authorised to collect PPS Numbers for defined purposes, such as providing certification.

CARNEW TDC is committed to protecting and facilitating the use of the PPSN in accordance with the law.

As a unique identifier for individuals the PPS Number is a valuable piece of personal information that should be respected and safeguarded against misappropriation or misuse.

Data protection principles must be upheld with regard to the PPSN and all reasonable security steps should be taken with regard to the storage and handling of the PPSN and associated data.

CARNEW TDC staff must not disclose a person's PPSN to anyone, unless they have satisfied themselves that the person making the enquiry is entitled to that information.

Use of the number by CARNEW TDC should be confined to people who need to use it for a specified purpose.

All CARNEW TDC Staff who come into contact with PPS Numbers, through their work, must treat the number confidentially and securely.

It is an offence for any person or body to request or hold a record of a PPSN unless they are permitted by law to do so. It is therefore the duty of all bodies to ensure that they are specified in law as being so entitled, before they request or hold a record of any person's PPSN and refer as appropriate to the Social Welfare (Consolidation) Act 2005, as amended and the Social Welfare and Pensions Act 2007, as amended.

More information is available from the PPSN Code of Practice on the Department of Social Protection website.

